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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,177	07/27/2001	Robert E. Novak	4000.2.50	9646

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EXAMINER

BARNIE, REXFORD N

ART UNIT PAPER NUMBER

2643

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/917,177

Applicant(s)

NOVAK ET AL.

Examiner

REXFORD N BARNIE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-20, 41-51, 59 and 60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-20, 41-50, 51, 59 AND 60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*R. Barnie*  
**REXFORD BARNIE**  
**PRIMARY EXAMINER**

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01/13/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1- 3, 5-13, 15-20, 41-43, 45-51, 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Partridge, III (US Pat# 5,473,671) in view of Mani (US 2002/0181683) or Blonder (US Pat# 5,559,868).

Regarding claim 1, Partridge teaches a selective screening of incoming calls from calling parties using videophones in (see col. 8 line 14) comprising:

intercepting a communication request sent by a caller to a recipient;

identifying the caller using information contained within the communication request;

determining whether the caller is included within an unauthorized caller list and rejecting the communication request in response to the caller being included within the unauthorized caller list in (see fig. 1). Furthermore, according to Partridge, a call screening list can be stored in either in a called party terminal or in a network element in (see col.1 line 51-55).

Partridge fails to teach the limitation concerning the video communication in detail.

Blonder teaches a method for sending and receiving video images in (see col. 4 lines 15-30) wherein a called party can screen video communications to make sure unwanted solicitations are screened out.

Mani teaches a call party profile presentation service in a multimedia-capable network wherein a caller can communicate with a called party both using a multi-media terminal which include a video terminal in (see page 1 [0009], page 2 [0025], page 3 [0031], page [0043], page 5[0050]) wherein calls to a called party can be screened by using a screen list to reject certain incoming calls.

Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to incorporate the teaching of (Blonder or Mani) thus making it possible to screen unwanted calls from certain callers.

Regarding claims 2-3, 5, 12, 13 and 15, the combination teaches being able to screen calls by using a screen list.

Regarding claims 6-9 and 16-20, the combination teaches screening incoming calls based on an identifier (video, caller-ID) in a variety of multi-media systems.

Regarding claims 10 and 50, the combination teaches notifying the calling party that their call has been rejected in (see col. 3 lines 27-42 of Partridge).

Regarding claim 11, Partridge teaches a selective screening of incoming calls from calling parties using videophones in (see col. 8 line 14) comprising:

intercepting a communication request sent by a caller to a recipient;

identifying the caller using information contained within the communication request;

determining whether the caller is included within an unauthorized caller list and rejecting the communication request in response to the caller being included within the unauthorized caller list in (see fig. 1). Furthermore, according to Partridge, a call screening list can be stored in either in a called party terminal or in a network element in (see col.1 line 51-55).

Partridge fails to teach the limitation concerning the video communication in detail.

Blonder teaches a method for sending and receiving video images in (see col. 4 lines 15-30) wherein a called party can screen video communications to make sure unwanted solicitations are screened out.

Mani teaches a call party profile presentation service in a multimedia-capable network wherein a caller can communicate with a called party both using a multi-media terminal which include a video terminal in (see page 1 [0009], page 2 [0025], page 3 [0031], page [0043], page 5[0050]) wherein calls to a called party can be screened by using a screen list to reject certain incoming calls.

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Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to incorporate the teaching of (Blonder or Mani) thus making it possible to screen unwanted calls from certain callers.

Regarding claims 41, 51, 59 and 60, Partridge teaches a selective screening of incoming calls from calling parties using videophones in (see col. 8 line 14) comprising:

- intercepting a communication request sent by a caller to a recipient;
- identifying the caller using information contained within the communication request;

- determining whether the caller is included within an unauthorized caller list and rejecting the communication request in response to the caller being included within the unauthorized caller list in (see fig. 1). Furthermore, according to Partridge, a call screening list can be stored in either in a called party terminal or in a network element in (see col.1 line 51-55). Partridge teaches in (see fig. 1), components including a controller, caller ID decode, controller processor and database for screening incoming calls which could include that of a videophone in (see col. 8 lines 10-14)

Partridge fails to teach the limitation concerning the video communication in detail.

Blonder teaches a method for sending and receiving video images in (see col. 4 lines 15-30) wherein a called party can screen video communications to make sure unwanted solicitations are screened out.

Mani teaches a call party profile presentation service in a multimedia-capable network wherein a caller can communicate with a called party both using a multi-media

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terminal which include a video terminal in (see page 1 [0009], page 2 [0025], page 3 [0031], page [0043], page 5[0050]) wherein calls to a called party can be screened by using a screen list to reject certain incoming calls.

Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to incorporate the teaching of (Blonder or Mani) thus making it possible to screen unwanted calls from certain callers.

Regarding claims 42, 43 and 45-49, the combination teaches screening incoming calls based on an identifier (video, caller-ID) in a variety of multi-media systems.

Claims 4, 14 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Partridge, III (US Pat# 5,473,671) in view of Mani (US 2002/0181683) or Blonder (US Pat# 5,559,868) and further in view of Lagoni et al. (US Pat# 6,141,058).

Regarding claims 4, 14 and 44, The combination teaches the possibility of using a multimedia system including television in (see page 3 [0031] of Mani). The combination fails to teach the claimed subject matter in detail but Lagoni teaches a television receiver having a user editable telephone system caller-ID feature in (see fig. 4 and col. 4) wherein incoming calls can be screened.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Lagoni into that of the combination thus making it possible to display caller ID information while watching TV.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is (703)306-2744. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER  
REXFORD BARNIE  
01/13/05

  
REXFORD BARNIE  
PRIMARY EXAMINER